

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**UNITED STATES OF AMERICA** )  
 )  
 )  
 )  
v. ) **Case No.: 3:06cr204-MEF**  
 )  
 )  
**HENRY ERIK YAPIAS** )

**MOTION TO WITHDRAW AS COUNSEL OF RECORD  
AND FOR APPOINTMENT OF CJA PANEL ATTORNEY**

**COMES NOW** the undersigned counsel, Jennifer A. Hart, and files this Motion to Withdraw as Counsel of Record and for Appointment of a CJA Panel Attorney on behalf of Defendant, Henry Erik Yapias. In support of this Motion, counsel states the following:

1. On September 27, 2006, the Federal Defender Office was appointed to represent Mr. Yapias with respect to the criminal charges he faces in the above-styled case. The case was then assigned to undersigned counsel.

2. On November 20, 2006, undersigned counsel discovered that a conflict exists between Mr. Yapias and another client of the Federal Defenders Office, which requires counsel to withdraw from further representation of Mr. Yapias. This matter has been discussed with Mr. Yapias and he understands the ramifications of the conflict and agrees that undersigned counsel cannot continue to represent him. Undersigned counsel will provide additional information under seal if the Court so requests.

3. Undersigned counsel requests that on behalf of Mr. Yapias, CJA panel attorney, Al Smith, be appointed to represent him in all further proceedings in this case. Mr. Yapias will not be prejudiced by such a change in counsel at this time.

WHEREFORE, undersigned counsel prays that the office of the Federal Defender be permitted to withdraw from the representation of Mr. Yapias and that Al Smith be appointed to represent him.

Dated this 21<sup>st</sup> day of November 2006.

Respectfully submitted,

s/Jennifer A. Hart  
**JENNIFER A. HART**  
FEDERAL DEFENDERS  
MIDDLE DISTRICT OF ALABAMA  
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AL Bar Code: HAR189

**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Chris Snyder, Assistant United States Attorney.

Respectfully submitted,

s/Jennifer A. Hart  
**JENNIFER A. HART**  
FEDERAL DEFENDERS  
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